IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 13829 of 2005

Between:

1 Smt.T.Reshma, W/o late Srinivas,
R/o 18-66/1, Hari Priyanagar,
Siddipet Town, Medak District.
2 Baby Indu, d/o late Srinivas,
Minor under Guardianship of her natural mother Smt.T.Reshma,
R/o 18-66/1, Hari Priyanagar,
Siddipet Town, Medak District.

..... PETITIONERS

AND

1 Life Insurance Corporation of India,
rep., by Zonal Manager, South Central Zonal Office,
"Jeevan Bhagya" Saifabad, Hyderabad-500 063.
2 Life Insurance Corporation of India, Kamareddy Branch,
Nizamsagar "X" Roads, N.H.7, Kamareddy-503 111,
rep., by its Branch Manager
3 Smt.T.Buchavva, w/o T.Nagabhushanam,
R/o 7-137, Mailaram Village, Chinna Kodur Mandal, District Medak.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or a writ, one in the nature of a writ of mandamus declaring the action of the second respondent as contained in the reply dated 14-05-2005 trying to pay the entire amount under the Life Insurance Polices of the deceased T.Srinivas, bearing Policy Nos.681563146, 681563147 and 682154759, as illegal and arbitrary and in violation of Article 14 of the Constitution of India and also the Provisions of Hindu Succession Act and consequently direct the respondents 1 and 2 to pay the 2/3 (two third) share of the amount payable under the policies to the petitioners and pass such other order or orders necessary in the circumstances of the case.

Counsel for the Petitioners: MR.P.YADAGIRI RAO
Counsel for the Respondent No. : MR.M.V.SURESH

The Court at the stage of admission made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in proposing to pay the amounts under three Insurance Policies obtained by the deceased, husband of the first petitioner and father of the second petitioner, who is also the son of the third respondent, to the third respondent on the ground that the third respondent was the nominee in respect of the three policies taken by the deceased.

2. It is stated that the first petitioner was married to the deceased on 08.08.2001. As the deceased was an employee in the A.P.S.R.T.C., he took three policies in the year 1999 i.e., prior to their marriage. Therefore, the deceased nominated his mother as nominee. The second petitioner was born during the wedlock of the first petitioner with the deceased. Therefore, both the petitioners along with the third respondent are entitled to the benefits of the policies taken by the deceased. But, however, when the petitioners approached the respondent authorities, they were informed that the third respondent was shown as nominee, and therefore, the amount would be paid to her. Hence, the present writ petition.

3 . At the time of hearing, the learned counsel for the petitioners stated that as successors of the deceased, the petitioners are entitled to 2/3rd share, while the third respondent is entitled to 1/3rd share. Therefore, it would be appropriate on the part of the respondents to disburse the amount to the petitioners to the extent of 2/3rd of the benefits under the three policies taken by the deceased.

4. The learned counsel for respondents 1 and 2, however, stated that the claims are still under investigation and the amounts are not going to be disbursed immediately. Meanwhile, the petitioners may be directed to obtain succession certificate to claim the amounts as successors of the deceased - T. Srinivas.

5. Heard both sides and considered the material available on record.

6. In view of the above, the writ petition is disposed of with a direction to respondents 1 and 2 to issue notice to the petitioners and to give an opportunity to them to produce the succession certificate according to their claim before disbursing the amounts due, if any, under the three polices taken by the deceased T.Srinivas in favour of the third respondent. As it is represented that the claims are still under investigation, the petitioners are at liberty to approach the authorities concerned and obtain necessary succession certificate expeditiously and approach respondents 1 and 2 for necessary orders.

7. The writ petition is accordingly disposed of with the above directions.

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S.Ananda Reddy, J

Date: 28.06.2005

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To

1 The Zonal Manager, Life Insurance Corporation of India,
South Central Zonal Office,
"Jeevan Bhagya" Saifabad, Hyderabad-500 063.
2 The Branch Manager, Life Insurance Corporation of India,
Kamareddy Branch, Nizamsagar "X" Roads, N.H.7,
Kamareddy-503 111,
3 2 CD copies

4 1 CC to MR.NAGARAJU

5 1 CC to MR.YADAGIRI RAO